

**TOWN BOARD
TOWN OF SULLIVAN
REGULAR MEETING
AUGUST 15, 2018
9:00 A.M.**

A regular meeting of the Town Board of the Town of Sullivan was convened at the Town Office Building by Supervisor John M. Becker at 9:00 A.M.

Those in attendance for the meeting were: Supervisor John M. Becker; Councilors: John Brzuszkiewicz, Kerry Ranger and Jeffrey Martin; Attorney for the Town John R. Langey; Comptroller Beth Ellis; Highway Superintendent Andrew Busa; and Deputy Town Clerk Amy Bettinger.

Absent: Town Clerk Charlotte A. Ferstler.

Also in attendance: Kyle Coon, Assistant Comptroller; and members of the public.

Pledge to the flag was led by Supervisor Becker.

APPROVAL OF MINUTES OF MEETING

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to approve the minutes of the Town Board meeting of August 1, 2018.

LITERACY GRANT

Renee Burgess, Principal of Bolivar Road Elementary, presented the Board with a PowerPoint on various styles of book box stations that will be placed in the Community to enhance reading. The book boxes would act as an exchange/swap for books. The book boxes can be assessed by all Community Members. Bolivar Road Elementary received a literacy grant for this project through Madison County, in the amount of \$2,500.00. Ms. Burgess stated she is open to ideas on placement of the book boxes.

TOWN OF SULLIVAN LOCAL LAW E OF 2018

("A Local Law to Amend the Town of Sullivan Zoning Law, as Adopted By
Local Law No. 2 of 2016, By Amending Article III ("Establishment of Districts")
at §275-5 ("Interpretation of District Boundaries")

Supervisor Becker addressed the Board and the public regarding proposed Local Law E of 2018, which Local Law, if enacted, would allow the Town Planning Board to extend certain uses an additional 100' into an adjacent district. The public hearing on this Local Law was held at the August 1, 2018 meeting. The Town has now received back the GML Referral from the Madison County Planning Department.

The following resolution was offered by Councilor Martin, who moved its adoption, seconded by Councilor Kopp, to wit:

WHEREAS, proposed Local Law E-2018 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

WHEREAS, pursuant to the provisions of Municipal Home Rule Law, a proposed local law titled Local Law No. E-2018, "A Local Law to Amend the Town of Sullivan Zoning Law, as Adopted By Local Law No. 2 of 2016, By Amending Article III ("Establishment of Districts") at §275-5 ("Interpretation of District Boundaries")", was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan on July 5, 2018; and

WHEREAS, a public hearing was held on such proposed local law on this 1st day of August, 2018 by the Town Board of the Town of Sullivan and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Sullivan in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. E-2018 has previously been determined to be an Unlisted Action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. E-2018.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Sullivan, Madison County, New York, does hereby enact proposed Local Law No. E-2018 as Local Law No. 4-2018 as follows:

**"TOWN OF SULLIVAN
LOCAL LAW NO. 4 FOR THE YEAR 2018**

**A LOCAL LAW TO AMEND THE TOWN OF SULLIVAN ZONING LAW,
AS ADOPTED BY LOCAL LAW NO. 2 OF 2016, BY AMENDING
ARTICLE III ("ESTABLISHMENT OF DISTRICTS") AT
§275-5 ("INTERPRETATION OF DISTRICT BOUNDARIES")**

Be it enacted by the Town Board of the Town of Sullivan as follows:

SECTION 1. AUTHORITY.

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

**SECTION 2. AMEND ARTICLE III ("ESTABLISHMENT OF DISTRICTS") OF THE
TOWN OF SULLIVAN ZONING LAW TO DELETE AND REPLACE THE
EXISTING §275-5 ("INTERPRETATION OF DISTRICT BOUNDARIES").**

Article III ("Establishment of Districts") of the Town of Sullivan Zoning Law is hereby amended to delete the existing §275-5 ("Interpretation of District Boundaries") in its entirety and replace it with the following new §275-5 as follows:

“§275-5 Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the aforesaid Districts as shown on the zoning map, the following rules shall apply.

A. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines, or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

B. Where district boundaries are indicated as approximately following lot lines, such lines shall be construed to be such boundaries.

C. Where district boundaries are indicated as approximately parallel to the centerlines of streets or highways, street lines, or highway right-of-way lines, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

D. Where district boundaries are included as approximately following a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

E. When a district boundary line intersects or divides a portion of an existing lot of record at the time of passage of this Chapter, the regulations for the less restrictive portion of such lot may be extended not more than 100 feet into the more restrictive portion, provided that the lot has frontage on a street in the less restrictive district and provided that the Planning Board determines the proposed use to be beneficial to the neighboring properties and upon demonstration of no evidence of a detriment to surrounding properties.”

SECTION 3. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 4. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.”

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: August 15, 2018

**A RESOLUTION SETTING AN UNSAFE BUILDING PROCEEDING HEARING
PURSUANT TO CHAPTER 118 OF THE CODE OF THE TOWN OF SULLIVAN**

The following resolution was offered by Councilor Kopp, who moved its adoption, seconded by Councilor Brzuszkiewicz, to wit:

WHEREAS, a structure located at 7376 Wheeler Road, Chittenango, New York was destroyed by fire on or about July 6, 2014; and

WHEREAS, the Town of Sullivan Building and Codes Department has made numerous visual inspections of the property; and

WHEREAS, the Town Board of the Town of Sullivan has received a written report from the Town Code Enforcement Officer, dated August 3, 2018 that the building/structure located at 7376 Wheeler Road is unsafe and the building remains are hazardous to the health, safety and welfare of the public as a result of suspected asbestos, the presence of vermin and the build-up of trash and refuse; and

WHEREAS, Chapter 118 of the Code of the Town of Sullivan provides a procedure for the demolition and removal of unsafe building/structures and hazardous building materials; and

WHEREAS, the Town Board of the Town of Sullivan desires to commence the unsafe building proceedings; and

WHEREAS, this unsafe building proceeding constitutes a Type II action for purposes of State Environmental Quality Review and, as a result, no environmental impact is anticipated.

NOW, THEREFORE, BE IT RESOLVED that the Town of Sullivan Town Board hereby directs that the attached Notice of Unsafe Building be served on the necessary parties in accordance with Chapter 118 of the Code of the Town of Sullivan; and be it further

RESOLVED that the Town Board shall conduct a hearing on the question of demolition and removal of the unsafe building/structure and hazardous building materials on September 5, 2018 at 7:00 p.m. or as soon thereafter as the matter can be heard at the Sullivan Town Hall located at 7507 Lakeport Road, Chittenango, New York.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: August 15, 2018

**AUTHORIZING THE PROCUREMENT OF
A 2020 MODEL YEAR MACK GRANITE 42FR
WITH HENDERSON BODY AND PLOW EQUIPMENT**

The following resolution was offered by Councilor Martin, who moved its adoption, seconded by Councilor Ranger, to wit:

WHEREAS, the Town of Sullivan Highway Department has previously advised the Town Board of the Town of Sullivan of its continuing need to repair, replace and update its fleet of heavy equipment; and

WHEREAS, previously the Town of Sullivan Highway Department advised of its desire to acquire a new 2020 Model Year Mack Granite 42FR with Henderson body and plow equipment; and

WHEREAS, the Town has investigated the procurement of the Mack Granite 42FR with Henderson body and plow equipment and has determined that such equipment is available for acquisition and purchase through the Onondaga County Heavy Truck Class 8 Statewide Contract #8996 from retailer Beam Mack Sales Service, Inc. for a total purchase price of Two Hundred Fifteen Thousand Four Hundred Five and 00/100 Dollars (\$215,405.00), being more particularly described as a 2020 Mack Granite 42FR with Henderson body and plow equipment; and

WHEREAS, it has been determined by the Town of Sullivan that the contract price for sale of the equipment specified herein meets the requirements of General Municipal Law §103 and the Town of Sullivan Procurement Policy as the specific contract was issued in accordance with the equivalent provisions of General Municipal Law §103; and

WHEREAS, the Town of Sullivan Town Board has been advised that the authorized dealer has represented that such Order may be cancelled with no penalty up and until February of 2019 should funds not be budgeted for such purchase; and

WHEREAS, such procurement constitutes a Type II action for purposes of State Environmental Quality Review and, as a result, no environmental impact is anticipated.

NOW, THEREFORE, BE IT RESOLVED by the Town Board that the Town of Sullivan Town Supervisor is hereby authorized to purchase by order (subject to 2019 budgeted funds) a 2020 Model Year Mack Granite 42FR with Henderson body and plow equipment, at a total price not to exceed Two Hundred Fifteen Thousand Four Hundred Five and 00/100 Dollars (\$215,405.00) from the Onondaga County Heavy Truck Class 8 Statewide Contract #8996 through a cash purchase upon delivery of said equipment from Beam Mack Sales Service, Inc. for payment and delivery no earlier than June of 2019.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: August 15, 2018

**AUTHORIZATION FOR THE INSTALLATION OF
ONE (1) PROPOSED FIRE HYDRANT
(North Sullivan Water District)**

The following resolution was offered by Councilor Kopp, who moved its adoption, and seconded by Councilor Martin, to wit:

WHEREAS, the Town of Sullivan has received correspondence from the Onondaga County Water Authority proposing the installation of one (1) fire hydrant in the existing North Sullivan Water District to serve the area known as: West side of Lake Road and 250± feet Southwest of Green Road; and

WHEREAS, the Onondaga County Water Authority has further provided an application for the fire hydrant incidental to this proposal; and

WHEREAS, the Town of Sullivan, on behalf of the North Sullivan Water District, finds that the installation of the proposed hydrant is in the best interest of the Town and the residents of the North Sullivan Water District; and

WHEREAS, pursuant to the Agreement with the Onondaga County Water Authority, the residents of the Water District will be required to pay for the installation of the proposed fire hydrant and the Water District will be billed an annual hydrant maintenance rate, which will be included in the District's operation and maintenance budget.

NOW, THEREFORE BE IT RESOLVED that the Town of Sullivan Town Board on behalf of the North Sullivan Water District authorizes the Town of Sullivan Supervisor to complete the required Application for Fire Hydrant, provided by the Onondaga County Water Authority, necessary for the installation of Fire Hydrant #14391 located on the West side of Lake Road and 250± feet Southwest of Green Road.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: August 15, 2018

MONANFRAN FARMS SUPPORT LETTER

Supervisor Becker informed the Board that Monanfran Farms had requested a support letter from the Town. Supervisor Becker asked the Board to review the letter and stated he would mail it out.

**AUTHORIZE ADVERTISEMENT FOR BIDS OF A TOWN OF SULLIVAN
PARKS AND RECREATION DEPARTMENT TICKET BOOTH**

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board, to wit:

WHEREAS, the Town of Sullivan Parks and Recreation Department owns a ticket booth; and

WHEREAS, the ticket booth has been determined to be excess and surplus equipment unneeded by the Town of Sullivan; and

WHEREAS, the Town has determined that it is the benefit and in the best judgment of the Town to place the ticket booth for sale to the public; and

WHEREAS, the Town Board has determined that the manner of sale which is most likely to facilitate the best price and will bring the maximum financial benefit to the taxpayers for the ticket booth is placement of an advertisement for such sale in the Oneida Daily Dispatch and/or any other public outlet; and

WHEREAS, the proposed action has been deemed to be a Type II action pursuant to 6 N.Y.C.R.R. Part 617. and, as a result, no environmental impact is anticipated thus ending the environmental review process.

NOW, THEREFORE, IT IS

RESOLVED AND DETERMINED that the Town Board authorizes the Town of Sullivan Supervisor to solicit bids for the aforementioned ticket booth to be sold "as is" and without any express or implied warranty, by placement of an advertisement for such solicitation of bids in the Oneida Daily Dispatch (and/or any other public outlet), which advertisement shall run a minimum of one (1) time and shall advise that such ticket booth is being sold "as is" and without any express or implied warranty; and it is further

RESOLVED AND DETERMINED that the Town of Sullivan Supervisor is hereby authorized to sign any papers and take all actions to give full force and effect to this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: August 15, 2018

Bids will be opened at the Town Board meeting to be held on Wednesday, September 19, 2018 at 9:00 A.M.

BUDGET MODIFICATIONS FOR AUGUST 15, 2018

A motion was duly made by Councilor Ranger, seconded by Councilor Martin, to adopt the following budget modifications, to wit:

Increasing appropriations (A7110.452) Parks Improvement Projects for 15,000.00 for that last payment on Chapman Park Paving project with Ruston Paving.

Increasing appropriations (A7110.454) Maintenance on Park Buildings for 1,830.00 for the new flooring from Lowes on the Legion side on the Building.

Transferring 30,000.00 from Contingent (A1990.4) to Town Clerk Salary (A1410.171).

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: August 15, 2018

APPOINTMENT OF APPLICATION FOR MEMBERSHIP IN THE FIRE COMPANIES COMPRISING THE SULLIVAN FIRE DISTRICT

The Board, acting as the Board of Fire Commissioners, received an application from Cassandra Rasmussen for membership in the Bridgeport Fire Company.

A motion was duly made by Councilor Kopp, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board, acting as the Board of Fire Commissioners, accepting Cassandra Rasmussen as a member in the Bridgeport Fire Company.

OTHER MATTERS

1. Superintendent Busa updated the Board and stated that he will be attending the New York State Association of Highway Superintendents/New York State Associations of Town Highways joint conference on Monday, September 17, through September 20, 2018 at the Turning Stone Resort and Casino.
2. Superintendent Busa asked the Board if they wanted to accept the bid that was offered on the fire truck that was listed on Auctions International website.

3. Mr. Dempster, resident of 9002 North Road in Bridgeport, addressed the Board and asked if there were any updates on the sidewalk project in Bridgeport.
4. Councilor Brzuszkiewicz reported that National Grid has completed their study on natural gas on both Smith Ridge and Marsh Mill Roads and stated that National Grid turned the study down based on costs. Councilor Brzuszkiewicz stated National Grid will continue the natural gas study at the Highway Garage.
5. Supervisor Becker stated he attended a Presentation from the Madison County Probation Department on "Raise the age" and stated that the State has pushed this through and it would add significantly to the tax burden at the Probation Department.
6. Supervisor Becker stated that the Madison County Court House project is coming along well and stated that there will be a celebration on Memorial Day weekend of 2019. Supervisor Becker stated that the Tenth Mountain Division Band will be at the celebration.
7. Mr. Dempster, resident of 9002 North Road in Bridgeport, inquired if there has been any discussion for a new sewer district.

EXECUTIVE SESSION

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to go into executive session for advice of Counsel and to discuss the employment history of a particular person at 9:40 A.M.

A motion was duly made by Councilor Ranger, seconded by Councilor Martin and unanimously passed by the Board to close the executive session at 10:00 A.M.

ADJOURNMENT

A motion was duly made by Councilor Ranger, seconded by Councilor Martin and unanimously passed by the Board to adjourn the meeting at 10:01 A.M.

Respectfully Submitted,

Amy Bettinger, Deputy Town Clerk